

HOUSE BILL No. 1057

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-6-7.6-1.1.

Synopsis: Unobstructed views at railroad crossings. Requires the Indiana department of transportation (INDOT) to adopt rules concerning distances for maintaining an unobstructed view within (rather than from) a railroad right-of-way. Provides that a rule adopted by INDOT concerning distances for unobstructed views within railroad rights-of-way abrogates any common law duties imposed on a railroad with respect to the subject matter of the rule.

Effective: July 1, 2014.

Slager

January 7, 2014, read first time and referred to Committee on Roads and Transportation.



Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1057

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-6-7.6-1.1, AS ADDED BY P.L.2-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 1.1. **(a)** The Indiana department of transportation
4 shall adopt rules under IC 4-22-2 to do the following:
5 (1) Establish ~~minimum distances to~~ **distances at** which a railroad
6 must maintain, for the benefit of operators of licensed motor
7 vehicles, an unobstructed view ~~from~~ **within** the railroad
8 right-of-way at a public railroad crossing that is under the control
9 of the railroad. In establishing ~~minimum~~ distances under this
10 subdivision, the Indiana department of transportation shall take
11 into account safety measures in place at a public crossing,
12 including train activated warning devices and federal railroad
13 track classifications.
14 (2) Provide exceptions to ~~minimum~~ distances required under
15 subdivision (1) based on variances in terrain, elevations, track
16 curvature, and permanent improvements at or near a public



1 crossing.

2 (3) Develop a method to determine and verify a ~~minimum~~
3 distance required under subdivision (1). The method must:

4 (A) be consistent with accepted engineering practices; and

5 (B) produce results capable of replication.

6 **(b) A rule adopted under subsection (a) abrogates any common**
7 **law duties imposed on a railroad with respect to the subject matter**
8 **of the rule.**

